

REMARKS

Claims 1, 5-15, and 18-22 are pending, including independent claims 1, 8, 10, 12, 14, 15, and 20-22. Claim 14 has been allowed. All remaining claims were again rejected under 35 U.S.C. § 103(a) as obvious in view of the "Ebay Publication" and Fraser.

Initially, Applicant wishes to thank Examiner McClellan for his time in discussing this application and the April 6th Office Action with Applicant's undersigned attorney on May 17, 2005. This Amendment reflects the proposed claim amendments and the substance of that discussion.

In the Examiner's "Response to Arguments" section at p. 4 of the Office Action, the Examiner explained his interpretation of the term "selection" in the claims to include a user purchasing an item, not just clicking-through to an item. Applicant disagrees with this interpretation, e.g., because the claims separately recite the "purchase" of an offering. Nevertheless, in an effort to facilitate the prosecution of this application, Applicant has amended claims 1, 8, 9, 15, 20 and 22 to delete "select" and substitute the term "click," as in to click on a link, hyperlink, or offering. Independent claim 12 already used the term "click," but the rejection of claim 12 was not explained in the Office Action.

The Ebay Publication does not disclose that Ebay is paid when a user clicks on a Featured Auction listing. To the contrary, the fees for the listing are a combination of fixed fees and a Final Value fee. Fraser also does not suggest this feature.

Moreover, neither Ebay nor Fraser describe or suggest estimating a click likelihood, which corresponds to the likelihood that a user will click on a link, hyperlink or offering. This feature is recited in claims 1, 8, 9, 12, 13, 15, 20 and 22. These claims, and their dependent claims, are patentable over the cited art for this reason as well.

Independent claims 10 and 21 have been amended to clarify that a purchase likelihood corresponds to the likelihood that a user will click on a link associated with an offering and then purchase an item offered in the offering. This feature also is not disclosed in or suggested by the cited references.

In summary, Applicant respectfully requests that the proposed amendments be entered, and that the application be reconsidered and allowed. If the Examiner believes the application still is not in condition for allowance, he is requested to call Applicant's undersigned attorney at 312-321-4723 to discuss any remaining issues.

Respectfully submitted,

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